UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,486	01/27/2004	Wolfgang Grieskamp	MS306625.1/MSFTP568US	9535

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EXAMINER
CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
2193	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/765,486	GRIESKAMP ET AL.
	Examiner	Art Unit
	John Chavis	2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 January 2004</u>.

2a)☐ This action is FINAL.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 January 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date <u>5/26/04</u>.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)　　　　　　　　Office Action Summary　　　　　　　　Part of Paper No./Mail Date 20070328

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   The claimed invention in claims 1-12 are directed to non-statutory subject matter. The claims appear to be merely non-functional descriptive material, see the discussion below in item 3.

3.   Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the actual components of a system. The applicant claims a "system"; however, none of the components listed appear to indicate actual components of a system. The items listed all appear to be non-functional descriptive material (a language component, an interface component and a translation component). However, for a system claim, the type of components expected are (for example, the "means for...") items listed for claim 14, with clearly defined interconnections between components. Claim 13 provides further proof that the components claimed are merely software items and their use (for example, "to enable...", "to describe...", etc.) specified in the claims merely considered intended use.

4.   Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims should be clear and concise; however, the applicant

has placed computer code in the claim. Therefore, the claim is hereby rejected as

indefinite.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1-6, 8-9, and 11-25 are rejected under 35 U.S.C. 102(b) as being

anticipated by Acton et al. (6,209,040).

What is claimed is:	Acton
1. A system to facilitate generalized comprehension in an imperative language, comprising:	The C++ like language is considered to provide the features of the imperative language, see col. 1 lines 12-18 and col. 4 lines 22-24.
a language component to enable programming of comprehension notations in an imperative language;	See the 2nd sentence of the abstract.
an interface component to describe a meaning of the comprehension notations; and	See the abstract, specifically the 2nd through the 4th sentences.
a translation component to facilitate execution of the comprehension notations in accordance with the imperative language.	See the 6th and 7th sentences of the abstract.
2. The system of claim 1, the language component includes a generalized comprehension that performs operations on a fixed or	See col. 28 lines 25-30.

list comprehension.

3. The system of claim 1, the interface component defines one or more methods for the generalized comprehension.

See that the interface is an abstract class (generalized).

4. The system of claim 1, the translation component includes at least one of just-in-time compilation techniques, interpretive techniques, and source code compilation techniques.

See col. 2 lines 44-48.

5. The system of claim 2, the language component enables users to define at least one of an implicit expression, an explicit expression, a mathematical expression, a database expression, and a processing expression in accordance with the generalized comprehension.

See table 12.

6. The system of claim 1, the comprehension notations include at least one of the following syntax: comprehension::= type{expression: qualifiers} qualifiers::=qualifier (, qualifier)* qualifier::=generator.ve- rtline. filter.vertline.local declaration generator::=type.sub.opt identifier in expression filter::= expression.

See the user defined types in summary.

8. The system of claim 7, the interface component is associated with at least one of a final results function, an accumulation function for intermediate results, an early

The abstract function above serves as a default value.

termination function, and a
default value.

9. The system of claim 7, further comprising an assignment expression or a yield return statement.	See table 1 for an assignment expression.
11. The system of claim 7, further comprising a relational database expression.	See col. 4 lines 30-46.
12. The system of claim 11, the relational database expression is employed for a query of a database.	See the cited portions above and note that the database and the interpreter are unaware of each Others existence and therefore, a query is inherently provided for.

As per claim 13, see col. 8 lines 41-43.

In reference to claims 14-15, see the rejection of claim 4.

The features of claims 16-17, 20 are taught via claim 1.

Claims 18-19 are taught via col. 8 lines 41-57.

In reference to claim 21, see the rejection of claim 11.

As per claims 22-25, these are all features of an abstract class and are therefore,

inherent in the rejection of claim 3 above.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 7, 10 and 26-32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Acton in view of the applicant's choice of selection of a specific

program, with its inherent functions, to develop his interface. Furthermore, the name of

specific components is not considered sufficient to enable a new system. However, the

specific functions are not indicated by Acton. But as indicated above, it would have

been obvious to a person having ordinary skill in the art at the time of the invention to

select a specific development environment for its inherent features to simplify

programming.

7. The system of claim 1, the interface component is associated with at least one of an IBuildable interface and an IBuilder interface.	These features are not considered to enable a new system; however, it would have been obvious to a person having ordinary skill in the art at the Time of the invention to select a specific programming environment to utilize to take advantage of its inherent features; such as ease of use and to take advantage of specific functionality provided to enable the interface.
10. The system of claim 7, further comprising an IEnumerable or Ienumerator component.	" " " "

As per claims 26-32, the specific functions utilized are considered a choice of

Design And furthermore, Acton is considered to provide for many of the features. For

example, See the rejection of claims 5-12 above. Furthermore, selecting a specific

feature to utilize would have been obvious to a person having ordinary skill in the art at

the time of the invention for the same reason specified above for claim 7.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

John Chavis
Primary Examiner AU-2193